

**SUPREME COURT MINUTES
MONDAY, JUNE 6, 2011
SAN FRANCISCO, CALIFORNIA**

S176943 A122723 First Appellate District, Div. 5 **FRANCHISE TAX BOARD v.
S.C. (GONZALES)**

Opinion filed: Judgment reversed

We reverse the Court of Appeal's judgment.

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Yegan*, JJ.

* Associate Justice, Court of Appeal, Second Appellate District, Division Six, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S177654 B212416 Second Appellate District, Div. 1 **IN RE V.V.**

S179579 B212635 Second Appellate District, Div. 8 **IN RE J.H.**

Opinion filed: Judgment affirmed in full

We affirm the judgment of the Court of Appeal relating to the arson finding in V.V.'s case. We reverse the judgment of the Court of Appeal relating to the arson finding in J.H.'s case and remand the case to that court for further proceedings consistent with this opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Baxter, Corrigan, and Banke*, JJ.

Dissenting Opinion by Kennard, J.

Dissenting Opinion by Werdegarr, J.

-- joined by Kennard, J.

* Associate Justice of the Court of Appeal, First Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S065720 **PEOPLE v. VINES (SEAN
VENYETTE)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to and including August 17, 2011, or the date upon which rehearing is either granted or denied, whichever occurs first.

S191845 C062259 Third Appellate District **PEOPLE v. HILL (CERON)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2011.

S192038 C066843 Third Appellate District **PACIFIC GAS & ELECTRIC
COMPANY v. McCOLM
(PATRICIA A.)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 6, 2011.

S192046 D058087 Fourth Appellate District, Div. 1 **PEOPLE v. SCORZA
(SEPHEREN FERDINAND)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 13, 2011.

S192107 A126089 First Appellate District, Div. 2 **PEOPLE v. HILL (DAVID
GENE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192110 B223974 Second Appellate District, Div. 4 **PEOPLE v. GARNETT
(VALARIA)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2011.

S192134 G042637 Fourth Appellate District, Div. 3 **PEOPLE v. SPENCER
(ROBERT MARSHALL)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192141 B231514 Second Appellate District, Div. 2 **GONZALEZ (DAVID) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192144 B216783 Second Appellate District, Div. 7 **PEOPLE v. MASSEY
(FABIAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2011.

S192149 D055704 Fourth Appellate District, Div. 1 **PEOPLE v. RODRIGUEZ
(ARTURO SERGIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192153 F058635 Fifth Appellate District **PEOPLE v. GONZALES
(CARLOS RICKY)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192165 A124077/A125311/A124095
First Appellate District, Div. 5 **IN RE CELLPHONE FEE
TERMINATION CASES**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2011.

S192166 H033759 Sixth Appellate District **PEOPLE v. SCOTT (LANCE
O.)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2011.

S192176 B214397 Second Appellate District, Div. 4 **PEOPLE v. LEIVA (JOSE)**
The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2011.

S192196 D059328 Fourth Appellate District, Div. 1 **PHILLIP (JAMES EARL) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 8, 2011.

S192203 G044791 Fourth Appellate District, Div. 3 **BRYAN (KELLY M.) v. S.C.
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 12, 2011.

S192262 B216949 Second Appellate District, Div. 7 **PEOPLE v. RODRIGUEZ
(GUILLERMO)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2011.

S190713 G040716 Fourth Appellate District, Div. 3 **PEOPLE v. WILKINS (COLE
ALLEN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Richard A. Levy is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S191317 B219748 Second Appellate District, Div. 7 **PEOPLE v. AVILA (JOSE
ALBERTO)**

Counsel appointment order filed

Upon request of appellant Jose Alberto Avila for appointment of counsel, Jennifer A. Mannix is hereby appointed to represent appellant on the appeal now pending in this court.

S191317 B219748 Second Appellate District, Div. 7 **PEOPLE v. AVILA (JOSE
ALBERTO)**

Counsel appointment order filed

Upon request of appellant Jonathan Avila for appointment of counsel, Victor Morse is hereby appointed to represent appellant on the appeal now pending in this court.

S191400 D055671 Fourth Appellate District, Div. 1 **PEOPLE v. MANZO
(MARTIN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Arthur Martin is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S193210 **PEOPLE v. GRAY
(GREGORY LEE)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of

Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S191683**REGOLO, JR., ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ATTILIO MARIO REGOLO, JR., State Bar Number 140964, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. ATTILIO MARIO REGOLO, JR., must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on December 1, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ATTILIO MARIO REGOLO, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191685**KNISS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JON RANDOLPH KNISS, State Bar Number 141454, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JON RANDOLPH KNISS is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirement is satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JON RANDOLPH KNISS must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 27, 2011.
3. At the expiration of the period of probation, if JON RANDOLPH KNISS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

JON RANDOLPH KNISS must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JON RANDOLPH KNISS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191687**SACKS ON DISCIPLINE**

Recommended discipline imposed

The court orders that DENNIS MICHAEL SACKS, State Bar Number 86377, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DENNIS MICHAEL SACKS is suspended from the practice of law for the first year of probation;
2. DENNIS MICHAEL SACKS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 31, 2011; and
3. At the expiration of the period of probation, if DENNIS MICHAEL SACKS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

DENNIS MICHAEL SACKS must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

DENNIS MICHAEL SACKS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191692**LOGAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT WARREN LOGAN, State Bar Number 198922, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ROBERT WARREN LOGAN is suspended from the practice of law for the first 90 days of probation;
2. ROBERT WARREN LOGAN must comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 20, 2011; and

3. At the expiration of the period of probation, if ROBERT WARREN LOGAN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ROBERT WARREN LOGAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ROBERT WARREN LOGAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If ROBERT WARREN LOGAN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S191705

SCOVIS ON DISCIPLINE

Recommended discipline imposed

The court orders that JENNY SCOVIS, State Bar Number 87026, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. JENNY SCOVIS is suspended from the practice of law for the first 60 days of probation;
2. JENNY SCOVIS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 26, 2011; and
3. At the expiration of the period of probation, if JENNY SCOVIS has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JENNY SCOVIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191708**WILEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROBERT WAYNE WILEY, State Bar Number 64883, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROBERT WAYNE WILEY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191709**WORMLEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that CRAIG THOMAS WORMLEY, State Bar Number 182137, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. CRAIG THOMAS WORMLEY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 2, 2011; and
2. At the expiration of the period of probation, if CRAIG THOMAS WORMLEY has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If CRAIG THOMAS WORMLEY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193421**CHARNEY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JANET MARY CHARNEY, State Bar Number 165047, as a member of the State Bar of California is accepted.

JANET MARY CHARNEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193422**DOLAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHLEEN GENEVIEVE DOLAN, State Bar Number 91202, as a member of the State Bar of California is accepted.

KATHLEEN GENEVIEVE DOLAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193423**ESCHER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JILL GILBERT ESCHER, State Bar Number 189674, as a member of the State Bar of California is accepted.

JILL GILBERT ESCHER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193424**HAGEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES C.N. HAGEN, State Bar Number 116470, as a member of the State Bar of California is accepted.

JAMES C.N. HAGEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193425**KOPACZ ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELVA PATRICIA KOPACZ, State Bar Number 140274, as a member of the State Bar of California is accepted.

ELVA PATRICIA KOPACZ must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193426**MAGINNIS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of EDWARD JOHN MAGINNIS, State Bar Number 138954, as a member of the State Bar of California is accepted.

EDWARD JOHN MAGINNIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193428**MINN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ENOCH JOHN MINN, State Bar Number 227768, as a member of the State Bar of California is accepted.

ENOCH JOHN MINN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193430**PALMER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CARL PALMER, State Bar Number 86594, as a member of the State Bar of California is accepted.

CARL PALMER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193431**REPPY, JR., ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM ARNEILL REPPY, JR., State Bar Number 39347, as a member of the State Bar of California is accepted.

WILLIAM ARNEILL REPPY, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193432**RUNDLE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARCIA B. RUNDLE, State Bar Number 178020, as a member of the State Bar of California is accepted.

MARCIA B. RUNDLE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193554**SALZMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEPHEN JEFFREY SALZMAN, State Bar Number 67397, as a member of the State Bar of California is accepted.

STEPHEN JEFFREY SALZMAN must also comply with rule 9.20 of the California Rules of

Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193556**SESSANO ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHERINE LOUISE SESSANO, State Bar Number 172314, as a member of the State Bar of California is accepted.

KATHERINE LOUISE SESSANO must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193558**ALLEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TOM CARTER ALLEN, State Bar Number 69975, as a member of the State Bar of California is accepted.

TOM CARTER ALLEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193560**BOTNEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LAUREN B. BOTNEY, State Bar Number 98088, as a member of the State Bar of California is accepted.

LAUREN B. BOTNEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193561**CHINN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN CLIVE CHINN, State Bar Number 123019, as a member of the State Bar of California is accepted.

STEVEN CLIVE CHINN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193563**COSIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FREDRICK RICHARD COSIN, State Bar

Number 55557, as a member of the State Bar of California is accepted.

FREDRICK RICHARD COSIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193565**FOLTYN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT JOSEPH FOLTYN, State Bar Number 80947, as a member of the State Bar of California is accepted.

ROBERT JOSEPH FOLTYN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193566**GARCIA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of YVONNE RAE GARCIA, State Bar Number 65882, as a member of the State Bar of California is accepted.

YVONNE RAE GARCIA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193569**GLASNER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WARREN JAY GLASNER, State Bar Number 113925, as a member of the State Bar of California is accepted.

WARREN JAY GLASNER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S193570**GRANTHAM ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARGARET McCULLOUGH GRANTHAM, State Bar Number 149259, as a member of the State Bar of California is accepted.

MARGARET McCULLOUGH GRANTHAM must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.